

Appl. No. 10/787,342
Docket No. AA615M
Amdt. dated November 20, 2006
Reply to Office Action mailed on May 18, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 2-4, 9, 11 and 12 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 4-8 and 10 are cancelled without prejudice.

Claims 11, 2-4 and 9 have been amended to more specifically claim the invention of the present application. Support for the amendments can be found as follows:

Claim 11: page 8, lines 6-12; page 8, lines 33-35.

Objection To Specification

The informality identified on page 11, line 12 has been address via amendment.

Rejection Under 35 USC §102(b) or alternatively under 103(a) Over US 5,635,469 (Fowler et al.)

Claims 1 and 3-12 have been rejected under 35 USC §102(b) or alternatively 103(a) as being unpatentable over Fowler et al. This rejection is traversed as Fowler et al. does not teach every claimed element nor does it establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claims 1 and 3-12. Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

Applicants submit that Fowler et al. does not teach a microemulsion or a protomicroemulsion, an element required by Claim 11. Applicants further submit that Fowler et al. does not teach or suggestion the use of a microemulsion or protomicroemulsion. Applicants respectfully request that the rejection of Claim 11 and claims dependent thereon under 35 U.S.C. §§ 102(b) and/or 103(a) over Fowler et al. be withdrawn.

Rejection Under 35 USC §102(b) or alternatively under 103(a) Over US 5,075,026 (Loth)

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Claims 1 and 3-12 have been rejected under 35 USC §102(b) or alternatively 103(a) as being unpatentable over Loth. This rejection is traversed as Loth does not teach every claimed element of Claim 11, nor does it establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 11 and claims dependent thereon. Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

Specifically, Applicants would like to draw attention to the statement in the Office Action dated June 13, 2006, discussing Loth:

***[I]t would have been nonetheless obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the foam having a foam to weight ratio *** to be within those recited ***."

First, Applicant would like to point out the

As discussed in the June 13, 2006, Dr. Rafael Ortiz Declaration, discussion how one of skill in the art would not equate a pump-type dispenser discussed in Loth with the foam-generating dispenser required by the present claims. Rather, a pump-type dispenser would be equated to a trigger type sprayer. As such, Loth does not teach every element of the present application. Nor does not of skill in the art equate the pump-type dispenser of Loth to the foam-generating dispenser required by the claims of the present application. In the event that one of skill in the art would equate a pump-type sprayer with a foam-generating dispenser, as shown by the testing data presented in Dr. Ortiz's declaration, the foam to weight ratio is not within the limits in the present claims.

As such the logic presented in the June 13, 2006, would not hold true in the opinion of Dr. Ortiz, one skilled in the art, as stated in his declaration.

Loth does not teach or suggest all of the claim limitations of Claim 11 and claims dependent thereon. Applicants respectfully request that the rejection of Claim 11 and claims dependent thereon under 35 U.S.C. §§ 102(b) and/or 103(a) over Loth be withdrawn.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth) in view of US 5,635,469
(Fowler et al.)

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Claim 3 is rejected under 35 U.S.C. § 103(a) over Loth in view of Fowler et al..

Applicants submit and discuss above that Loth does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 3 alone or in view of Fowler et al.. As such, Applicants submit that a *prima facie* case with respect to all of the claim limitations of Claim 3 has not been established and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth) in view of US 5,679,630 (Baeck et al.)

Claim 2 is rejected under 35 U.S.C. §103(a) over Loth in view of Baeck et al.

Applicants submit and discuss above that Loth in view of Baeck et al. does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 2. The Office Action does not cite Baeck et al. with respect to a foam-generating dispenser, rather it is cited as teaching protease enzymes having improved proteolytic activity which can be used in any detergent composition or concentrated detergent compositions where high sudsing and/or good insoluble substrate removal are desired. As such, Applicants submit that a *prima facie* case with respect to all of the claim limitations of claim from with Claim 2 depends, likewise does not present a *prima facie* case with respect to all of the claim limitations of Claim 5 and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact her with any questions the Examiner may have regarding this application.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-12 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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